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7 UNITED STATES DISTRICT COURT
8 FOR THE WESTERN DISTRICT OF WASHINGTON
AT TACOMA

9 TWINSTAR CREDIT UNION, a
10 Washington corporation,

11 Plaintiff,

12 v.

13 MISS NICKLE, Official Number 526859,
14 her engines, tackle, apparel, furniture and
appurtenances, In Rem; and MICHAEL
SANDERSON, In Personam

IN ADMIRALTY

NO. C11-5142 BHS

JUDGMENT *IN REM* FORECLOSING
PREFERRED MARINE MORTGAGE AND
ORDER OF SALE

[PROPOSED]

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17 THIS MATTER having come on regularly upon the motion of plaintiff, and the Court,
18 having considered the records and files herein and the affidavit of counsel submitted with
19 the motion, and an Order of Default having been entered, now makes the following findings:

20 1. Plaintiff is entitled to Judgment In Rem Foreclosing Preferred Marine
21 Mortgage and Order of Sale against defendant vessel, no answer or statement of right or
22 interest having been filed; and

23 2. Plaintiff's claim under its preferred marine mortgage is superior to that of any
24 other claimant.

25 NOW, THEREFORE,

26 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the preferred marine
27 mortgage on the Miss Nickle, Official Number 526859, her engines, tackle, apparel,
28 furniture and equipment, in favor of TwinStar Credit Union, is foreclosed; and

JUDGMENT *IN REM*
FORECLOSING PREFERRED MARINE - 1.

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1 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that TwinStar Credit
2 Union shall have judgment against Miss Nickle, Official Number 526859, her engines,
3 tackle, apparel, furniture and equipment *In Rem* for \$376,815.46, plus interest at the rate
4 of 8.5% per year from February 18, 2011 through the date of entry of this judgment, plus
5 attorneys' fees and costs and administrative expenses as subsequently approved by the
6 Court; and

7 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the judgment
8 granted shall bear interest at the federal rate from the date of granting of this judgment until
9 paid; and

10 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the U.S. Marshal
11 shall, pursuant to the rules of the United States District Court for the Western District of
12 Washington, cause the Miss Nickle, Official Number 526859, her engines, tackle, apparel,
13 furniture and equipment, to be condemned and sold at public auction to the highest and
14 best bidder, the sale to be held alongside the vessel on a date and at a time satisfactory
15 to the U.S. Marshal to be determined after entry of this Order; and


16 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that at such sale,
17 TwinStar Credit Union, plaintiff, is authorized to bid in any part of the judgment and accrued
18 interest here awarded without cash deposit, and that, in the event the bid of TwinStar Credit
19 Union, plaintiff, is the highest and best bid, the amount of such bid shall be credited on the
20 judgment here awarded; and

21 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the U.S. Marshal
22 shall deposit the proceeds of the sale, if any, in the Registry of the Court and the Clerk
23 shall, after having paid all costs and administrative expenses as approved by subsequent
24 Order, pay to TwinStar Credit Union, plaintiff, so much of the balance remaining as is
25 necessary to satisfy the judgment here awarded, and the clerk shall retain the remainder
26 of the proceeds, if any, in the Registry of the Court subject to further Order.

27 DATED this 19th day of October, 2011.
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JUDGMENT *IN REM*
FORECLOSING PREFERRED MARINE - 2.

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BENJAMIN H. SETTLE
United States District Judge

Presented by:

Brian C. Read, of
SIDERIUS, LONERGAN & MARTIN, LLP
Attorneys for Plaintiff
WSBA #34091

Approved as to form; Notice of presentation waived:

David C. Smith, of
LAW OFFICES OF DAVID SMITH, PLLC
Attorney for Defendants
WSBA #29824

Approved by:

for U.S. Marshal
Western District of Washington

JUDGMENT *IN REM*
FORECLOSING PREFERRED MARINE - 3.

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